

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LARRY PATEL, Individually, and On Behalf of :
All Others Similarly Situated, :

Plaintiffs, :

-against- :

WORLDSPACE, INC., NOAH A. SAMARA, :
SRIDHAR GANESAN, UBS SECURITIES LLC, :
and COWEN & CO. LLC, :

Defendants. :
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ORDER

Case Nos.: 1-07-cv-02252 (RMB)
1-07-cv-02355 (RMB)
1-07-cv-02399 (RMB)
1-07-cv-02768 (RMB)
1-07-cv-03109 (RMB)

Upon the motion [Dkt. No. 7], dated May 15, 2007, of Midtown Partners, Inc. ("Midtown Partners"), for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel, the motion [Dkt. No. 10], dated May 15, 2007, of Larry Patel and David Henderlong for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel, oral argument held on June 20, 2007, and the record and prior proceedings herein,

It is hereby ordered:

1. The following actions are consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure under the caption "In re WORLDSPACE SECURITIES LITIGATION": 1-07-cv-02252 (RMB); 1-07-cv-02355 (RMB); 1-07-cv-02399 (RMB); 1-07-cv-02768 (RMB); and 1-07-cv-03109 (RMB);
2. Midtown Partners is appointed as Lead Plaintiff of the consolidated action because it "has the largest financial interest in the relief sought by the class" and "otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure." 15 U.S.C. § 77z-1(a)(3); see Ferrari v. Impath, Inc., 2004 WL 1637053, at *4 (S.D.N.Y. July 20, 2004) (in determining the "largest financial interest," courts consider the following factors: "(1) the number of shares purchased during the class period, (2) the number of net shares purchased during the class period, (3) the total net funds expended during the class period, and (4) the approximate loss suffered during the class period"); see also Declaration of David A. Rosenfeld, dated May 15, 2007, ¶ 3 & Ex. B (estimating Midtown Partners' loss at \$26,295); and
3. By no later than June 25, 2007, Midtown Partners may select as Lead Counsel one of the two law firms, i.e., Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Abraham Fruchter & Twersky LLP, that it proposed to be appointed. See 15 U.S.C. § 77z-

1(a)(3)(B)(v) ("The most adequate plaintiff shall, subject to the approval of the court, select and retain counsel to represent the class."); and

4. Counsel are directed to appear at a status/scheduling conference with the Court on Tuesday, July 3, 2007, at 10:30 a.m., in **Courtroom 6A** of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007.

Dated: New York, New York
June 21, 2007

Handwritten signature of Richard M. Berman in black ink.

RICHARD M. BERMAN, U.S.D.J.